



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 12, 1996

Ms Tamara Armstrong
Assistant County Attorney
Travis County District Attorney
P.O. Box 1748
Austin, Texas 78767

OR96-0171

Dear Ms Armstrong:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 37273.

The Travis County District Attorney and the Austin Police Department received a request for information concerning a specific murder investigation. Although you do not believe that litigation is reasonably anticipated concerning this matter, the City of Austin claims that the requested information is excepted from required public disclosure under section 552.108 of the Government Code. You have also asserted that certain information is excepted from disclosure under sections 552.101 and 552.108.

In Open Records Letter No. 95-1286 (1995), this office concluded that the City of Austin could withhold the requested information under section 552.108 of the Government Code. You state that you are willing to release much of the information that is being requested, but also state that you are willing to follow our ruling issued to the City of Austin on this matter. Where an incident involving allegedly criminal conduct is still under active investigation any proper custodian of information which relates to the incident may invoke section 552.108. Open Records Decision Nos. 474 (1987), 372 (1983). Therefore, you may withhold the requested documents pursuant to the conclusion reached in Open Records Letter No. 95-1286 (1995).¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

¹Because we conclude that you may withhold the requested records under section 552.108, we do not address your arguments under section 552.101.

under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, reading "Loretta R. DeHay".

Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/ch

Ref.: ID# 37273

Enclosures: Submitted documents

cc: Mr. Steve Gibbins
Gibbins, Winckler & Harvey
P.O. Box 1452
Austin, Texas 78767
(w/o enclosures)